

Decision 02-06-018 June 6, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the State of California,  
Department of Transportation, for an order  
authorizing the Department to: Widen Bassett  
Street Overhead, (PUC No. 001DA-17.03-A) on  
SR-87 in City of San Jose, County of Santa Clara.

Application 01-12-049  
(Filed December 28, 2001)

**O P I N I O N**

**Summary**

The California Department of Transportation (Caltrans) proposes to convert a 3.1 miles segment of State Route (SR) 87 in the City of San Jose, known as Guadalupe Parkway, to a freeway (Project) and in conjunction therewith proposes to widen the existing crossing at separated grades known as “Bassett Street Overhead” (Overhead) over the tracks of the Union Pacific Railroad Company (UPRR) and Bassett Street. A sketch of the project area is included as Attachment A.

The original application contained a typographical error in the caption of the application. The crossing was described correctly but the application caption referred to the crossing number as “PUC No. 001E-46.50-A.” The correct number is “PUC No. 001DA-17.03-A.” The caption of the proceeding is corrected accordingly.

## **Discussion**

The proposed Project would complete the only missing freeway segment of the SR 87 Corridor, which extends from U.S. 101 on the north to SR 85 on the south. The Project limits are from Julian Street to the south to U.S. 101 to the north. The primary purpose of the proposed Project is to relieve existing congestion and accommodate future traffic demand for traffic traveling in the SR 87 Corridor between the large residential areas in South San Jose and the commercial and industrial employment areas in northern Santa Clara County. Two additional factors that will contribute substantially to traffic demand in the SR 87 Corridor are 1) the redevelopment of Downtown San Jose, and 2) the expansion of San Jose International Airport. The proposed Project will improve traffic conditions on a local and regional basis. Total vehicle-hours-traveled would be less under post-project conditions, as compared to no project conditions, since overall capacity will be increased. Total vehicle-miles-traveled would also be less under post-project conditions since vehicles will be using SR 87 instead of more circuitous routes. The Project would also improve average vehicle speeds on the roadway.

The Overhead (PUC No. 001DA-17.03-A) is a 12-span structure and is the only railroad structure to be widened in this segment of SR 87. The widening of the Overhead consists of widening the existing structure from the edge of deck in various widths and is within the State's right of way limits. The project proposes to widen the structure from four lanes to six lanes. During peak hours, two of the six lanes will be operated as commuter lanes, also known as High-Occupancy-Vehicle or HOV lanes.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code

21000 et seq. On February 24, 1994, in compliance with CEQA, Caltrans filed its Notice of Determination with the Office of Planning and Research, approving this project stating that the project will have a significant effect on the environment (State Clearinghouse Number 91023047). Accordingly, Caltrans adopted mitigation measures as a condition of approval of the project, and submitted a Statement of Overriding Considerations for the project.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed Caltrans' environmental documentation. The environmental documentation consists of an Environmental Impact Statement/Report (EIS/EIR), and the Notice of Determination. Analysis of potential environmental impacts included: land use, growth-inducing, visual and aesthetics, water quality, transportation and traffic, soil and geologic, cultural resources, vegetation and wildlife, socio-economic, utilities and urban services, short-term construction-related noise, noise due to increased traffic and air quality.

Safety and security, transportation and noise are within the scope of the Commission's permitting process. The environmental documentation did not identify any potential impacts related to safety and security.

Noise impacts were identified in the EIS/EIR. The impacts identified related to increased traffic noise and short-term noise due to construction. The mitigation measures adopted to address these impacts will: a) reduce traffic noise by installing a series of sound walls at various locations on the east side of the Project, with the heights being determined by the physical characteristics of each specific location, b) replace existing glass windows or add a second pane of glass to windows at the County Juvenile Detention Center, c) eventually replace the County Juvenile Annex and d) for short-term noise, prohibit certain construction activities when courts at the adjacent Civic Center are in session. No mitigation is planned for traffic noise increase on the west side of the Project towards the Guadalupe River. The EIS/EIR determined that the visual and aesthetic impact of effective mitigation (i.e., sound walls) on the recreational trail proposed for this area outweighs the noise-attenuating benefits of the mitigation. Therefore, a CEQA "Statement of Overriding Considerations" will be adopted.

Transportation and traffic impacts were identified in the EIS/EIR. The impacts are related to the loss of parking, reduced Levels of Service (LOS) and increased roadway traffic volumes at seven intersections, and an increase in congestion on U.S. 101. At four of the impacted intersections, the adopted mitigation measures include a variety of additional new left, right and through lanes. The mitigation measure for U.S. 101 is the creation of a new auxiliary lane to allow for the safe and efficient merging of vehicles from SR 87.

For three intersections significant and unavoidable impacts would remain even with mitigation. These are the intersection of North First Street and Mission Street, which is forecasted to operate at an unacceptable LOS under either the build or the no-build scenario; therefore Caltrans plans no mitigation at this location. The intersection of Coleman Avenue and northbound I-880

ramps is under consideration for future improvement by Caltrans, and will not be improved by this Project. The EIS/EIR concludes that for the intersection of Coleman Avenue and Hedding Street, the improvement of traffic flow would necessitate the relocation of one or more businesses and, therefore, the mitigation impact would be greater than the traffic impact. Therefore, for the three unmitigated intersections, a CEQA “Statement of Overriding Considerations” was adopted.

In adopting the Statement of Overriding Considerations (SOR), Caltrans determined that certain project benefits outweighed the significant and unavoidable impacts and warrant project approval. In particular, the SOR noted expected traffic growth in the transportation corridor attributable to expansion of the San Jose International Airport, redevelopment of downtown San Jose, and growth of the Civic Center. Traffic projections for year 2010 estimate traffic demand at over 100,000 vehicles a day, far exceeding the current capacity of the Guadalupe Parkway. For this reason the project was determined to be necessary to accommodate traffic growth.

The SOR additionally found that the project will: 1) increase the level of service by replacing existing intersections with interchanges or grade separations; 2) improve accessibility to important local and regional facilities such as the San Jose International Airport, Downtown San Jose, the north San Jose industrial area and job centers, and the City/County Civic Center; 3) eliminate the severe bottleneck in the project area; and 4) allow continued strong economic vitality in the Santa Clara Valley.

The Project will result in the loss of approximately 378 on-street and off-street parking spaces. The Project includes the construction of replacement

parking. With mitigation in place, there should be no notable change in the number of parking spaces.

The Commission's Rail Safety and Carriers Division (RSCD), Rail Crossings Engineering Section staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed crossing, the staff recommends that the requested authority sought by Caltrans be granted for a period of three years.

With respect to the potentially significant noise and transportation impacts identified above, the Commission finds that Caltrans adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. We also find that Caltrans identified significant project benefits to justify its adoption of a Statement of Overriding Considerations and project approval. Therefore, we similarly adopt and require the mitigations identified in the Caltrans' EIS/EIR, as well as those identified in the SOR, for purposes of our project approval.

Application 01-12-049 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3079 dated January 9, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's RSCD recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3079.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the

otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Notice of the application was published in the Commission Daily Calendar on January 7, 2002. No protests have been filed.

2. Caltrans requests authority, under Public Utilities Code Sections 1201-1205, to widen the Overhead over the tracks and right of way of the UPRR and Bassett Street, which is identified as PUC Crossing No. 001DA-17.03-A.

3. Public convenience, safety, and necessity require the widening of the SR 87 Overhead.

4. Caltrans is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project, and has reviewed and considered Caltrans' environmental documentation upon which Caltrans relied in adopting mitigation measures for the project.

6. On February 24, 1994, Caltrans filed its Notice of Determination approving the project and found that the SR 87 Overhead would have a significant effect on the environment. A Statement of Overriding Considerations was adopted for this project.

7. Safety, security, transportation and noise are within the scope of the Commission's permitting process.

8. Caltrans' environmental documents did not identify any potential environmental impacts from the project related to safety or security.

9. The Commission finds that for each potentially significant impact related to transportation or noise, Caltrans adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

**Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. We adopt and require the mitigations identified in Caltrans' EIS/EIR as well as the Statement of Overriding Considerations for purposes of our project approval.
3. The application should be granted as set forth in the following order.

**O R D E R**

**IT IS ORDERED** that:

1. The caption of this proceeding is corrected to reflect the correct PUC crossing no. as "PUC No. 001DA-17.03-A."
2. The State of California Department of Transportation (Caltrans) is authorized to widen the State Route 87 Overhead over the tracks and right of way of the Union Pacific Railroad Company (UPRR) and Bassett Street, which is identified as Public Utilities Commission (PUC) Crossing No. 001DA-17.03-A.
3. Clearances shall be in accordance with General Order (GO) 26-D; except during the period of construction, a vertical clearance of not less than 21 feet above top of rail shall be authorized. The UPRR shall be authorized to operate with such reduced overhead clearance provided that instructions issued by UPRR are filed with the Commission's Rail Safety and Carriers Division (RSCD) limiting the height of loads beneath the structure.
4. Caltrans shall notify RSCD and UPRR at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.
5. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be



promptly restored to their original condition in the event of damage during construction.

6. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed by Caltrans with RSCD prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

7. Prior to construction, Caltrans shall file with RSCD final construction plans, approved by UPRR.

8. Caltrans shall inform the Rail Crossings Engineering Section of RSCD in writing within 30 days of the date of completion of this project.

9. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. This application is granted as set forth above.

11. Application 01-12-049 is closed.

This order is effective today.

Dated June 6, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

CARL. W. WOOD

GEOFFREY F. BROWN

MICHAEL R. PEEVEY

Commissioners



ATTACHMENT A



